

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

6:69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 3, Rio Nutrias, Rio Cebolla,
Canjilon Creek

**JOINT MOTION TO AMEND SCHEDULING ORDER FOR
FEDERAL NON-INDIAN WATER RIGHTS CLAIMS**

The State of New Mexico *ex rel.* State Engineer (“State”) and the United States of America (“United States”) by and through their counsel, jointly move the Court to amend the March 1, 2005 Scheduling Order for Federal Non-Indian Water Rights Claims (Docket No. 7770), as amended October 31, 2005 (Doc. 8029), May 24, 2007 (Doc. 8644) and March 12, 2008 (Doc. 9133) to extend the deadline for submitting a proposed Amended Consent Order determining the federal non-Indian, non-Wild and Scenic Rivers claims (“Federal Proprietary Claims”) made by the United States in Section 3 of this adjudication. The grounds for this motion are as follows:

1. The State and United States completed field inspections of the United States’ claim sites in Section 3 during the 2006 and 2007 field seasons. Since that time, and in keeping with the Order Amending the September 22, 2006 Administration Order on Case Management Priorities entered on July 16, 2007 (Doc. 8732), the State has devoted its limited technical staff to primary subfile work in Sections 3 and 7, as a first priority

matter, rather than the federal proprietary claims in Section 3, a second priority matter.

Despite completing the field inspections, the State and the United States require additional time to resolve any discrepancies in the descriptions and to obtain documentation regarding the priority of these claims.

2. Therefore, the State and the United States request an extension of time to **April 2, 2010**, for the State to submit a proposed Consent Order to the United States addressing each of the Federal Proprietary Claims made by the United States in Section 3 and also serve a copy of the proposed Consent Order on counsel for the *Asociacion de Acequias Norteñas de Rio Arriba* ("Acequias Norteñas"). The United States shall file objections, if any, to the State's proposed Consent Order and Acequias Norteñas, if it has an objection, shall file a Motion to Intervene by **June 5, 2010**.

WHEREFORE, the parties request the Court to enter an Order:

- (1) vacating the deadlines for serving a proposed Consent Order in Section 3 of this adjudication;
- (2) extending the deadline for the State to serve a proposed Consent Order in Section 3 to April 2, 2010, and for the United States to file objections and the Association de Acequias Norteñas to file a Motion to Intervene to June 5, 2010.

Dated: September 22, 2009

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

approved 9/21/09

DAVID GEHLERT
United States Department of Justice
Environmental and Natural Resources
Section
99918th St., Suite 945
Denver, CO 80302

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of September, 2009 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Ed Newville
Arianne Singer